

LAW OFFICES  
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JOSEPH A. HOMANS  
CATHERINE HENRY HICKS  
GRAHAM McKINNON IV, P.C.

CHERYL H. KELLEY  
THEODORE G. CASSERT

CATHERINE T. CRAWFORD  
OF COUNSEL

DAWSONVILLE ADDRESS:  
POST OFFICE BOX 477  
DAWSONVILLE, GA 30534  
TELEPHONE (706) 265-3090  
FACSIMILE (706) 265-3147

Please Reply to Dawsonville Office  
March 7, 2016

Mr. Larry Reiter  
Planning Director, Lumpkin County  
25 Short Street, Suite 10  
Dahlonega, GA 30533

RE: Resolution of the Lumpkin County Board of Commissioners Consenting to De-annexation

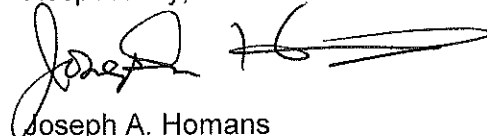
Dear Mr. Reiter:

I represent Paul Wingo and Guy Johnson. Mr. Wingo and Mr. Johnson own property described within the de-annexation petition that I am providing you. Mr. Wingo and Mr. Johnson submit this request for a resolution from the Lumpkin County Board of Commissioners in accord with O.C.G.A. § 36-36-22 (procedure for de-annexation). If the Board of Commissioners approves this request, then I will appear on behalf of my clients before the Mayor and City Council of the City of Dahlonega to finalize the de-annexation. The application I am providing you shows the location of the property and that the property is well suited for de-annexation because the property is already at the edge of the City limits.

If I can provide additional information, then please so notify me. I contacted Casey Horne about the de-annexation request, and Casey concurred that I should submit this application to you for submission to the Lumpkin County Board of Commissioners.

I request that you notify me regarding when this request will appear before the Board of Commissioners.

Respectfully,

  
Joseph A. Homans

JAH/II  
Encl.

cc: Paul Wingo  
Casey Horne

STATE OF GEORGIA  
LUMPKIN COUNTY  
CITY OF DAHLONEGA

PETITION FOR DE-ANNEXATION

TO THE CITY COUNCIL OF THE CITY OF DAHLONEGA:

The undersigned, being all the property owners of the land described below and set out in the outline of the attached plats, do petition the City Council of the Dahlonega, pursuant to O.C.G.A. 36-36-22, to withdraw from the Corporate Limits of the City of Dahlonega so as to de-annex from said City the following described property located in Lumpkin County, to-wit:

See Exhibit "A" attached hereto and incorporated herein by reference.

In support of this petition, it is certified by each of the undersigned that the said territory is within the existing corporate limits of the City of Dahlonega and does not embrace any territory within the corporate limits of another municipality, and when de-annexed from the City of Dahlonega shall cease to constitute a part of the lands within the corporate limits of the City of Dahlonega as completely and fully as if the limits had been marked and defined by local Act of the General Assembly.

The undersigned further certify that they are the owners of all the land within the above described property and that the information set forth in the attached de-annexation application is true and correct.

The undersigned further petition the City Council of the City of Dahlonega to adopt an appropriate de-annexation ordinance assenting to this de-annexation petition.

Respectfully Submitted this \_\_\_\_\_ day of \_\_\_\_\_, 2016

Owner:  
Paul Wingo

Mailing Address:  
659 Calhoun Rd.  
Dahlonega, GA 30533

I, the undersigned authority, a notary public in and for said State, hereby certify that \_\_\_\_\_, whose name(s) is/are signed to the forgoing de-annexation petition and who is/are known to me, acknowledged before me on this day, being informed of the contents of the petition, stated that the names appearing thereon constituted all the legal owners of said property.

Given under my hand and official seal this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

My Commission Expires:

\_\_\_\_\_  
Notary Public

No property can be de-annexed from the incorporated limits of the city into the unincorporated limits of the county until a Resolution of De-annexation has been approved by the county to accept the property. If this resolution is approved, a de-annexation application, accompanied by a copy of the approved resolution shall be provided to the City of Dahlonega for further action.

The de-annexation requires a public hearing with the Planning Commission and the City Council. If approved by the City Council, the appropriate documentation will be sent to Lumpkin County, the Department of Justice, and the Department of Community Affairs.

The applicant or a duly authorized representative must be present at any and all public meetings to answer any questions raised by the Planning Commission, the City Council, or the general public.

This application must be submitted and accepted by the City of Dahlonega at least 5 weeks prior to the Planning Commission meeting.

A. Identification of the property proposed for de-annexation (use a separate sheet if necessary):

See "Exhibit A" attached hereto

Existing Zoning	R-1	Proposed Zoning	RG	Area of property to be de-annexed	8.029
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B. Required information to be submitted with this form:

1. Resolution approved by the Lumpkin County Board of Commissioners approving this de-annexation;
2. Petition for de-annexation signed by legal owner(s) of the property within the area proposed for de-annexation;
3. A boundary survey and a legal written description of property requesting de-annexation; and
4. Application Fee: \_\_\_\_\_

C. Name of Owner (Please Print): Paul Wingo

I hereby certify that I am the legal owner(s) of the above described property; that I desire to apply for de-annexation from the City of Dahlonega and that the information contained herein is true and accurate to the best of my knowledge.

Signature of Owner: \_\_\_\_\_

Mailing Address: 659 Calhoun Road  
Dahlonega, GA 30533

Phone #: 706-531-6688 Fax #/email address \_\_\_\_\_

Date of Submittal: \_\_\_\_\_

Notarized By: \_\_\_\_\_ Date: \_\_\_\_\_

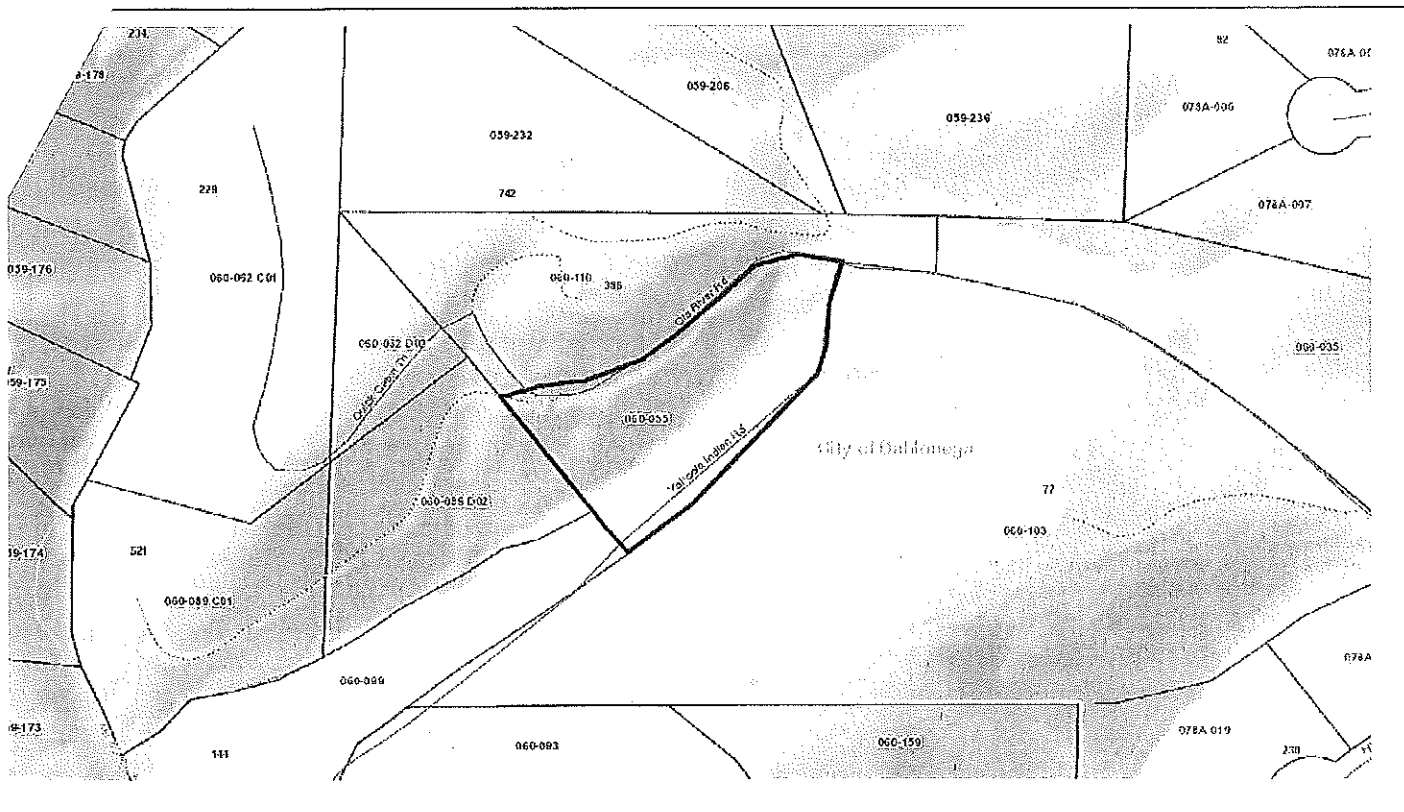
Notary Commission Expiration Date: \_\_\_\_\_ (Seal)

**The information below this line is to be provided by the City of Dahlonega**

D. Accepted by the City of Dahlonega: \_\_\_\_\_  
Name Date

E. Date of Planning Commission Hearing: \_\_\_\_\_  
Planning Commission Action: \_\_\_\_\_

F. Date of Mayor and Council Hearing: \_\_\_\_\_



Printed: Mar 07, 2016



Maps are not to be used to establish boundaries and/or size. Use for such is solely the responsibility of the user.



This document prepared by  
and upon recording return to:  
Christine T. Adams, Esq.  
Rogers Tower, P.A.  
318 A1A North, Suite 208  
Ponte Vedra, Florida 32082  
File No.: 10212-67248

DOCH 002734  
FILED IN OFFICE  
7/29/2015 10:50 AM  
BK=1305 PG=4-8  
RITA HARKINS  
CLERK OF COURTS  
LUMPKIN COUNTY

REAL ESTATE TRANSFER TAX  
PAID: \$8.00

STATE OF FLORIDA

COUNTY OF MANATEE

LIMITED WARRANTY DEED

THIS INDENTURE is made on this 21 day of July, 2015, between **PT-61 093-2015-001241**  
IBERIABANK, a Louisiana state bank,  
successor by merger to Georgia Commerce Bank, as party of the first part, and PAUL WINGO, as party of the second  
part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Ten and No/100  
Dollars (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these  
presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents  
does grant, bargain, sell and convey unto the said party of the second part, his heirs, successors and assigns:

All that tract or parcel of land lying and being in Land Lot 957, 12<sup>th</sup> District, 1<sup>st</sup> Section, City of  
Dahlonega, Lumpkin County, Georgia, as more particularly described in Exhibit "A" attached hereto  
and incorporated herein (the "Property"), subject to real estate taxes for the current year and subsequent  
years; easements, covenants, conditions, restrictions and reservations of record, reference to which shall  
not operate to re-impose same; all laws, regulations, ordinances and zoning as to the use, occupancy  
and/or improvement of the Property, including violations of the foregoing, whether known or unknown;  
matters which a current survey of the Property would reveal; rights of any tenants or occupants of the  
property, if any; and any laws, codes, rules and regulations of any governmental authority having  
jurisdiction over the Property.

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and  
appurtenances thereof, including leases, to the only proper use, benefit and behoof of the said party of the second part, his  
heirs, successors and assigns, forever, IN FEE SIMPLE.

And the said party of the first part, for its successors and assigns, will warrant and forever defend the right and  
title to the above-described property unto the said party of the second part, his heirs, successors and assigns, against the  
lawful claims of all persons claiming through the party of the first part.

The party of the second part accepts the above-described property (including any personal property)  
without recourse of any nature to the party of the first part or without any warranty from the party of the first  
part of any kind whatsoever (except title), with the above-described property being transferred "as-is" and "where-  
is" with all faults.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and affixed its seal the day and  
year first above written.

Signed this 21 day of July, 2015  
in the presence of:

IBERIABANK, successor by merger to Georgia  
Commerce Bank

By: A. Wingo

Title: Avr

Unofficial Witness MARK COLLIER

Notary Public Sandra A. Hetzel

My Commission Expires: 10/8/16

[BANK SEAL]

[NOTARIAL SEAL]



SANDRA A. HETTEL  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# EE841444  
Expires 10/8/2016

BK:1305 PG:5

ACCEPTED AS OF THE DATE FIRST ABOVE-  
WRITTEN BY:

By: \_\_\_\_\_

Paul Wingo

JAX1977411\_1

BK=1305 PG=6

## EXHIBIT "A"

All that tract or parcel of land, lying and being in Land Lot 957, 12<sup>th</sup> District, 1<sup>st</sup> Section, City of Dahlonega, Lumpkin County, Georgia, containing 5.203 acres, more or less, as per a plat of survey for Phase Three, Sky Country Subdivision, prepared for Farley-Collins & Associates, Georgia Registered Surveyors, dated July 22, 1991, recorded in Plat Book 24, Page 48, Lumpkin County records, and being all of Tract 2 as labeled on said plat of survey. Said plat of survey is incorporated herein by reference for a more particular description of said property.

Said property is conveyed subject to a Declaration of Protective and Restrictive Covenants for Sky Country Subdivision, Phase Three, recorded in Deed Book W-10, Pages 17-18, Lumpkin County, Georgia records, and Road Maintenance Agreement, recorded in Deed Book J-12, Pages 11-12, Lumpkin County records.

Also subject to a one hundred (100) foot Georgia Power Company Easement traversing above-described property as shown on the above-referenced plat of survey, a perpetual, non-exclusive easement for pedestrian and vehicular ingress and egress over, across and through the above-described property as shown on the above-referenced plat, and all other rights-of-way easements and restrictions of record in Lumpkin County, Georgia.

## LESS AND EXCEPT:

All that tract or parcel of land, lying and being in Land Lot 957, 12<sup>th</sup> District, 1<sup>st</sup> Section, City of Dahlonega, Lumpkin County, Georgia, containing 2.61 acres, more or less, as per a plat of survey for Phase Three, Sky Country Subdivision, prepared by Farley-Collins & Associates, Georgia Registered Surveyors, dated July 22, 1991, recorded in Plat Book 24, Page 48, Lumpkin County records, and being the part of Tract 2 which lies North of the gravel road as shown running through the center of Tract 2 as labeled on said plat of survey. Said plat of survey is incorporated herein by reference for a more particular description of said property.

Parcel No.: 060-055

Address: Yahoola Indian Road, Dahlonega, GA 30533

15RE-497



DOC# 001158  
FILED IN OFFICE  
04/09/2015 01:45 PM  
BK:1296 PG:339-340  
RITA HARKINS  
CLERK OF COURTS  
LUMPKIN COUNTY

*Rita Harkins*  
REAL ESTATE TRANSFER TAX  
PAID: \$0.00

093-2015-000520

After recording, please return to:  
The Law Office of Angela Grant Clark  
P.O. Box 611  
Dahlonega, GA 30533

STATE OF GEORGIA )  
COUNTY OF LUMPKIN )

### Special Warranty Deed

THIS INDENTURE, made on April 2, 2015, between **Federal Home Loan Mortgage Corporation**, a corporation organized and existing under the laws of the United States whose address is 5000 Plano Parkway, Carrollton, TX 75010 (hereinafter called "Grantor"), and **Paul Wingo**, (hereinafter together called "Grantee"). Whenever used hereinafter, the terms "Grantor" and "Grantee" shall mean and include their respective legal representatives, transferees, successors, assigns, and successors.

**NOW, THEREFORE**, the Grantor, for and in consideration of the sum of Ten (\$10.00) Dollars and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does hereby grant, bargain, sell and convey unto Grantee the following described property (hereinafter, the "Land"), to-wit:

All that tract or parcel of land lying and being in Land Lot 957 of the 12th District, 1st Section, Lumpkin County, Georgia, being Tract 5-A, Sky Country Subdivision, Phase Three, as per plat recorded in Plat Cabinet One, Slide 16, Page 106, Lumpkin County, Georgia Records, which plat is incorporated herein by reference and made a part of this description. Said property being known as 144 Yahoola Indian Road according to the present system of numbering property in Lumpkin County, Georgia.

This being the same property as conveyed to David P. Drake and Melanie Stovall Drake by deed recorded June 8, 1998, in Deed Book A-20, Page 246, Lumpkin County, Georgia records.

1435125v1

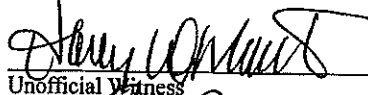
BK:1296 PG:340

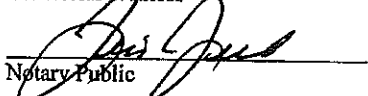
**SUBJECT, HOWEVER, TO** any easements, rights of way, reservations, declarations, covenants running with the land, ordinances, condominium formation requirements and other encumbrances, restrictions, legal requirements or matters of any nature whatsoever existing of record or in law and applicable to the subject property herein conveyed.

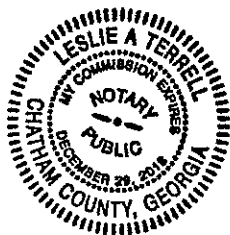
**TO HAVE AND TO HOLD** the Land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the Grantees forever in fee simple. And the said Grantor will warrant and forever defend the right and title to the Land unto the Grantees against the claims of all persons and entities owning, holding or claiming by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, Grantor has executed this document under seal on and as of the date first above written as follows:

Signed, sealed and delivered  
in the presence of:


  
Unofficial Witness

  
Notary Public



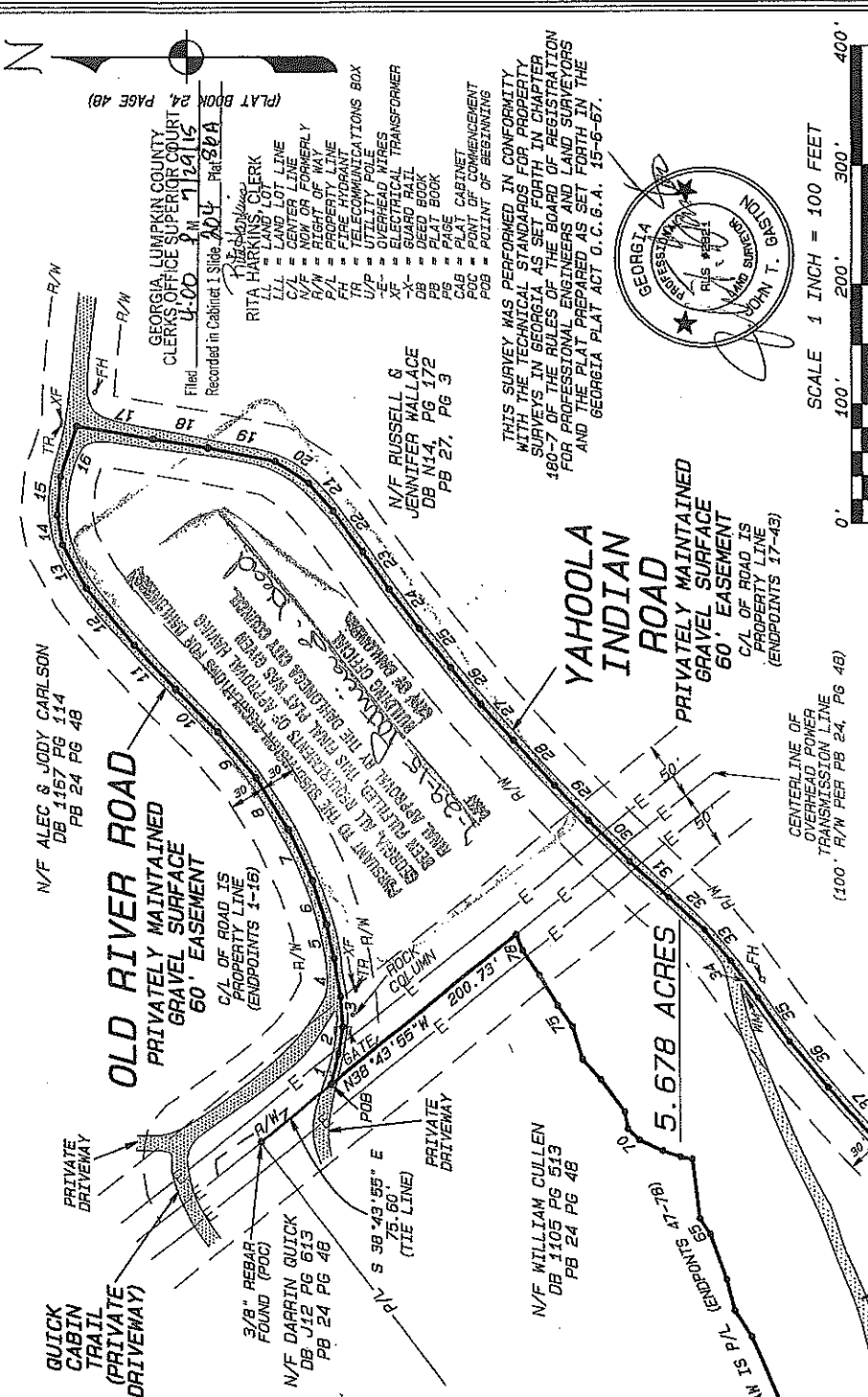
**FEDERAL HOME LOAN MORTGAGE CORPORATION**

By its attorney-in-fact, Ellis, Painter, Ratterree & Adams, LLP, under power of attorney recorded on March 22, 2010, in Deed Book 1156, Page 143, records of the Superior Court of Lumpkin County Georgia.

By:   
Michelle G. Smith, Attorney  
Ellis, Painter, Ratterree & Adams LLP, as  
attorney-in-fact

LINE	BEARING	DISTANCE
1	S 75° 33' 18" E	26.04'
2	S 80° 18' 29" E	22.94'
3	N 85° 08' 07" E	24.99'
4	N 80° 49' 42" E	32.65'
5	N 77° 51' 53" E	20.33'
6	N 72° 48' 19" E	36.91'
7	N 63° 32' 07" E	45.08'
8	N 68° 14' 00" E	51.56'
9	N 60° 47' 24" E	50.25'
10	N 45° 48' 20" E	50.27'
11	N 47° 01' 05" E	48.98'
12	N 60° 17' 50" E	62.12'
13	N 61° 08' 24" E	41.11'
14	N 79° 39' 15" E	25.79'
15	S 84° 45' 50" E	32.02'
16	S 71° 52' 33" E	44.85'
17	S 69° 38' 51" E	64.31'
18	S 69° 27' 14" E	45.73'
19	S 11° 18' 45" E	57.35'
20	S 33° 07' 26" E	34.34'
21	S 49° 10' 24" E	30.75'
22	S 64° 21' 46" E	42.57'
23	S 64° 24' 21" E	36.42'
24	S 53° 04' 23" E	40.99'
25	S 50° 40' 37" E	42.11'
26	S 50° 20' 58" E	40.21'
27	S 47° 37' 32" E	40.70'
28	S 47° 31' 33" E	51.59'
29	S 46° 35' 07" E	41.37'
30	S 44° 05' 54" E	46.45'
31	S 44° 15' 03" E	43.30'
32	S 44° 58' 55" E	40.98'
33	S 50° 19' 10" E	35.04'
34	S 53° 59' 05" E	36.51'
35	S 54° 04' 44" E	41.83'
36	S 49° 30' 18" E	49.85'
37	S 47° 40' 42" E	54.55'
38	S 46° 53' 04" E	52.56'
39	S 48° 52' 49" E	47.75'

LINE	BEARING	DISTANCE
40	S 56° 43' 26" W	47.93'
41	S 62° 46' 24" W	52.67'
42	S 51° 32' 04" W	32.28'
43	S 41° 37' 17" W	35.04'
44	N 45° 15' 27" W	42.45'
45	N 37° 55' 44" W	56.64'
46	N 32° 22' 21" W	19.83'
47	N 75° 06' 50" E	45.90'
48	N 65° 06' 00" E	48.50'
49	N 33° 31' 44" E	50.02'
50	N 60° 11' 26" E	17.09'
51	N 31° 04' 13" E	27.02'
52	S 65° 21' 39" E	20.24'
53	N 69° 20' 51" E	36.74'
54	N 58° 54' 18" E	5.62'
55	S 51° 31' 15" E	45.17'
56	N 65° 20' 24" E	34.60'
57	N 71° 35' 21" E	49.50'
58	N 71° 30' 45" E	33.80'
59	N 54° 48' 14" E	26.64'
60	N 16° 21' 19" E	26.90'
61	N 65° 12' 10" E	78.86'
62	N 67° 06' 43" E	25.65'
63	N 75° 25' 57" E	27.08'
64	N 70° 03' 05" E	40.43'
65	N 65° 42' 50" E	46.21'
66	N 62° 58' 41" E	50.26'
67	N 10° 14' 01" E	40.02'
68	N 13° 59' 54" E	45.13'
69	N 54° 56' 59" E	24.47'
70	N 44° 33' 03" E	51.42'
71	N 40° 35' 30" E	43.69'
72	N 62° 36' 23" E	33.47'
73	N 47° 28' 33" E	22.25'
74	N 73° 28' 35" E	28.60'
75	N 54° 09' 31" E	21.29'
76	N 59° 10' 15" E	25.94'
77	N 56° 10' 10" E	25.26'
78	N 67° 09' 22" E	14.94'



**PAUL WINGO**

LAND LOTS 921 & 957, 12TH DISTRICT, 1ST SECTION  
CITY OF DAHLONEGA, LUMPKIN COUNTY, GEORGIA

LSF # 1074: ALTASURV LLC dba

**GEOIMAGE**

LAND SURVEYING, LAND PLANNING & DESIGN  
21 ENOTA STREET, DAHLONEGA, GA 30533, (706) 864-7298

PLAT DATE: JULY 28, 2015  
FIELD DATES: FEBRUARY-JULY, 2015  
FIELD CREW: JG/JH  
DRAWN BY: JG  
DWG FILE: 3984-PW HOUSE  
JOB # 3984

THIS SURVEYOR DOES NOT GUARANTEE THAT ALL EASEMENTS AFFECTING THIS PROPERTY ARE SHOWN.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF NOT EXCEEDED 1:15821 FEET, AND WAS NOT COLLECTED 1:15821 FEET.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 15821 FEET.

EQUIPMENT USED: TRIMBLE SS ROBOTIC.

THIS SURVEY WAS PREPARED WITHOUT THE AID OF A TITLE SEARCH AND IS SUBJECT TO ANY AND ALL DISCLOSURES THAT A TITLE SEARCH MAY YIELD.

THIS SURVEY IS CERTIFIED SOLELY TO THE PARTY OR PARTIES NAMED HEREON.

THIS SURVEYOR DOES NOT GUARANTEE THAT ALL EASEMENTS AFFECTING THIS PROPERTY ARE SHOWN.

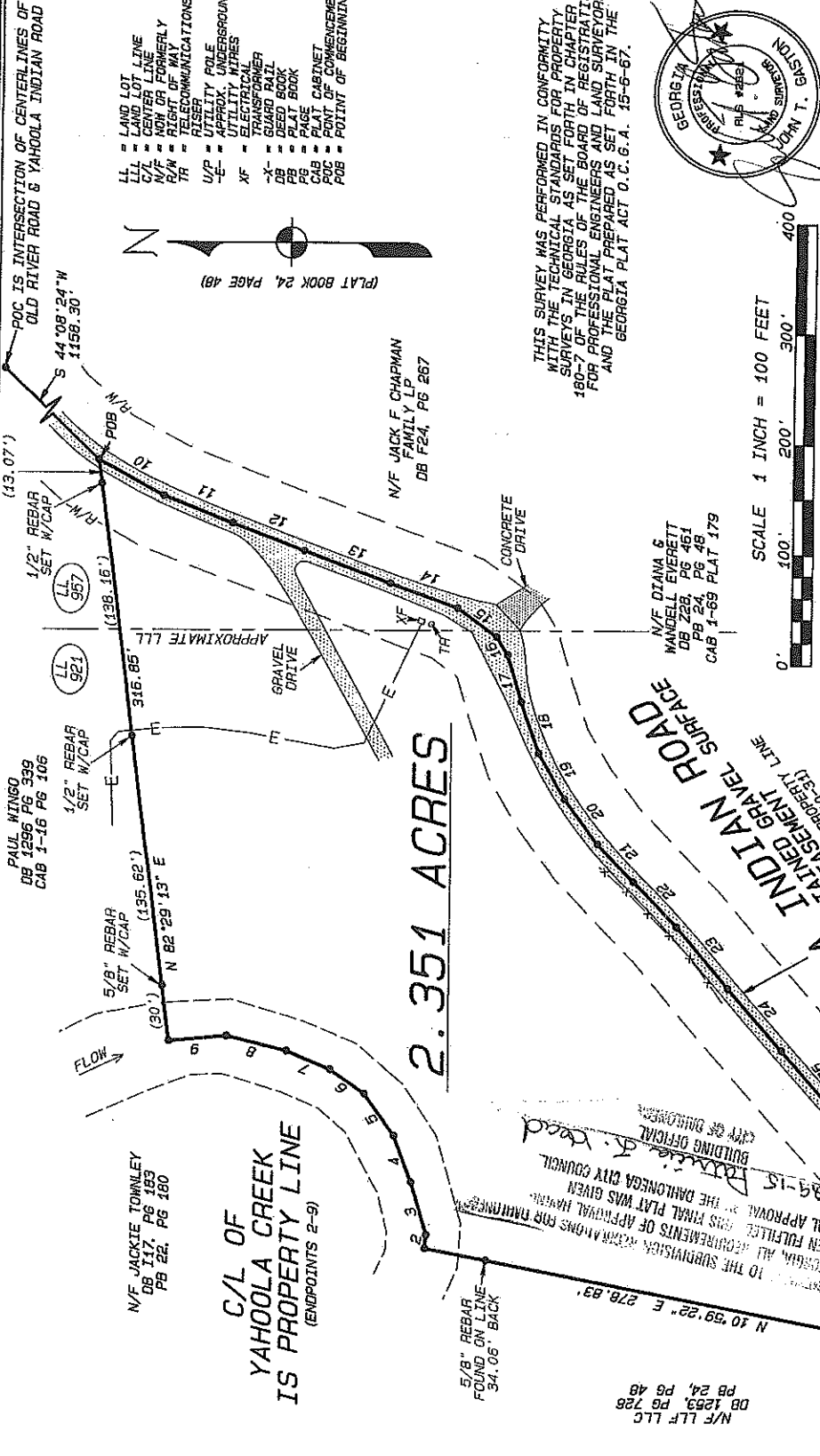
THE FIELD DATA UPON WHICH THIS PLAT WAS PREPARED HAS A CLOSURE PRECISION OF ONE FOOT IN 143,334 FEET, AND HAS NOT BEEN ADJUSTED. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 288,205 FEET.

EQUIPMENT USED: TRIMBLE S6 ROBOTIC.

THIS SURVEY WAS PREPARED WITHOUT THE AID OF A TITLE SEARCH AND IS SUBJECT TO ANY AND ALL DISCLOSURES THAT A TITLE SEARCH MAY YIELD.

THIS SURVEY IS CERTIFIED SOLELY TO THE PARTY OR PARTIES NAMED HEREON.

LINE	BEARING	DISTANCE
1	N 04° 57' 24" W	13.26'
2	S 84° 21' 07" E	7.40'
3	N 73° 17' 17" E	29.81'
4	N 69° 38' 46" E	26.62'
5	N 64° 00' 11" E	27.89'
6	N 34° 35' 11" E	22.77'
7	N 23° 40' 18" E	25.93'
8	N 13° 48' 50" E	33.52'
9	N 05° 02' 00" W	31.14'
10	S 28° 39' 31" W	40.35'
11	S 21° 35' 58" W	39.56'
12	S 20° 58' 67" W	42.25'
13	S 20° 31' 49" W	50.11'
14	S 20° 02' 59" W	39.13'
15	S 35° 33' 51" W	26.76'
16	S 57° 14' 43" W	11.39'
17	S 73° 02' 29" W	26.74'
18	S 70° 47' 32" W	29.59'
19	S 59° 15' 36" W	28.47'
20	S 52° 36' 20" W	30.22'
21	S 45° 02' 40" W	28.28'
22	S 46° 02' 40" W	34.20'
23	S 49° 25' 47" W	43.63'
24	S 48° 14' 57" W	44.63'
25	S 48° 36' 02" W	43.38'
26	S 47° 37' 15" W	96.50'
27	S 51° 58' 44" W	34.85'
28	S 62° 38' 50" W	22.56'
29	S 79° 40' 11" W	18.03'
30	S 81° 26' 42" W	21.30'
31	S 81° 13' 02" W	14.19'



PLAT OF BOUNDARY SURVEY FOR

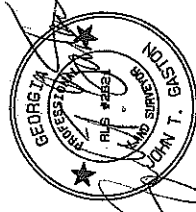
**PAUL WINGO**

LAND LOTS 921 & 957, 12TH DISTRICT, 1ST SECTION  
CITY OF DAHLONEGA, LUMPKIN COUNTY, GEORGIA

PLAT DATE: JULY 29, 2015  
FIELD DATES: FEBRUARY-JULY, 2015  
FIELD CREW: JG/JH  
DRAWN BY: JG  
DRWG FILE: 3984-PW LOT  
JOB # 3984

**GEOIMAGE**  
LAND SURVEYING, LAND PLANNING & DESIGN  
21 ENOTA STREET, DAHLONEGA, GA 30533, (706) 864-7288

THIS SURVEY WAS PERFORMED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE PLAT PREPARED AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 45-6-67.



SCALE 1 INCH = 100 FEET

